

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

CASE NO. 3:12CV509
(3:01CR36-7)

)

IAN ANDRE PERSAUD,)
Petitioner,)
v.)
UNITED STATES OF AMERICA.)
Respondent.)
RESPONSE TO GOVERNMENT'S
MOTION TO HOLD CASE IN
ABEYANCE

On December 4, 2014, the government filed a Motion to Stay the proceedings in this matter until the Fourth Circuit Court of Appeals renders a decision in the pending case of *United States v. Surratt*, Fourth Circuit Case No. 14-6851.

The Court granted the Motion on December 5, 2014, before the defendant was able to review the government Motion and file a response.

For the record, Mr. Persaud responds to the government's motion as follows:

1. Although the issues on appeal in the *Surratt* case are similar to the issues pending in Persaud's case, they are not identical. The decision in the *Surratt* case will not automatically resolve Persaud's case.

2. Persaud moves the Court to issue a briefing Order after the appellate decision in the *Surratt* case becomes final, so that Persaud may submit his arguments to the District Court.

Respectfully submitted this 5th day of December, 2014.

/s/ Christopher C. Fialko
Christopher C. Fialko
NCSB# 19010
RUDOLF WIDENHOUSE & FIALKO
225 East Worthington Avenue
Suite 200
Charlotte, NC 28203
Telephone: (704) 333-9945
Telefax: (704) 335-0224
Email: cfialko@rwf-law.com
ATTORNEY FOR DEFENDANT

CERTIFICATE OF SERVICE

I Certify, that a copy of the foregoing Petitioner's Response to Government's Motion to Hold Case in Abeyance will be served upon the following counsel of record through electronic case filing.

Amy E. Ray
Assistant US Attorney
Room 233, U.S. Courthouse
100 Otis Street
Asheville, NC 28801
Amy.ray@usdoj.gov

This 5th day of December, 2014.

/s/ Christopher C. Fialko
Christopher C. Fialko